

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AMERICAN DAIRY QUEEN
CORPORATION, a Delaware corporation,

Plaintiff,

v.

ASARA 12458, LLC, a Washington limited
liability company; and RIZWAN DHANANI,
an individual,

Defendants.

NO. 2:18-cv-00066-MJP

**ORDER GRANTING JOINT MOTION
TO ENTER PERMANENT
INJUNCTION BY CONSENT**

Based upon Plaintiff and Defendants' Joint Motion to Enter Permanent Injunction By Consent, IT IS HEREBY ORDERED that Defendants ASARA 12458, LLC and Rizwan Dhanani (collectively "Defendants") together with their agents, servants, employees, attorneys, and those persons acting in concert or participation with them, shall:

1. Immediately remove or obliterate all signage, displays, photos or other materials that bear any and all DAIRY QUEEN® and DQ GRILL & CHILL® trademarks, trade names, and numerous other trademarks and service marks that are licensed for use in DAIRY QUEEN® and DQ GRILL & CHILL® restaurants (collectively the "DAIRY QUEEN® Marks");

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GARVEY SCHUBERT BARER
A PROFESSIONAL SERVICE CORPORATION
eighteenth floor
1191 second avenue
seattle, washington 98101-2939
206 464 3939

1 2. Immediately remove all DAIRY QUEEN® Marks, signs, insignia, proprietary
2 products, point of sale materials provided by Plaintiff or bearing the DAIRY QUEEN® Marks,
3 promotional or advertising materials provided by Plaintiff or bearing the DAIRY QUEEN®
4 Marks, and proprietary ingredients from their former DQ GRILL & CHILL® restaurant located
5 at 220 15 Avenue N.E., Auburn, Washington 98002 ("Restaurant");

6 3. Immediately alter the appearance of the Restaurant so as to differentiate the
7 restaurant unmistakably from duly licensed restaurants and stores identified by the DAIRY
8 QUEEN® Marks;

9 4. Immediately cease and desist from holding themselves out to the public as a
10 DAIRY QUEEN® franchisee and/or operating the Restaurant with a name that is deceptively
11 similar to any of the trademarks, trade names and service marks of ADQ;

12 5. Immediately cease and desist from selling or using product names that are the
13 same or similar to ADQ's trademarked products;

14 6. Immediately cease and desist from selling or otherwise disposing of any
15 trademarked or copyrighted materials to any third-party that is not an approved DAIRY
16 QUEEN® franchisee or warehouse;

17 7. Immediately cease and desist from using the DAIRY QUEEN® Marks in a
18 derogatory, negative or inappropriate matter;

19 8. Immediately return to ADQ all copies of manual and product preparation
20 materials; and

21 9. File with the Court and serve on ADQ's counsel, within fourteen (14) days from
22 the date of this Order, (a) photographic evidence and (b) a report in writing and under oath
23 setting forth in detail the manner and form in which Defendants have complied with this order
24 for permanent injunction.

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1 IT IS SO ORDERED this 17 day of April, 2018.

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3
4 
5 HON. MARSHA J. PECHMAN
United States District Judge

6 PRESENTED BY:

7 GARVEY SCHUBERT BARER

8 By s/ Daniel J. Vecchio

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19 *Attorneys for Plaintiff*

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26 GSB:9371610.1

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